

EXHIBIT 2

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MALIBU MEDIA, LLC,

Plaintiff,

vs.

JEFFREY ROY,

Defendant.

) Case No. 1:12-cv-00617-RJJ

) Hon. Robert J. Jonker

)

)

)

)

)

)

)

)

PAUL J. NICOLLETTI (P-44419)

Attorney for Plaintiff

36880 Woodward Ave, Suite 100

Bloomfield Hills, MI 48304

(248) 203-7801

JOHN T. HERMANN (P-52858)

Attorney for Defendant

2684 West Eleven Mile Road

Berkley, MI 48072

(248) 591-9291

AFFIDAVIT OF JEFFREY ROY

STATE OF MICHIGAN

)

) SS.

COUNTY OF MARQUETTE

)

I, JEFFREY ROY, being duly sworn do hereby state that I have personal knowledge of the facts set forth herein, and if called as a witness would testify as set forth in this affidavit.

1. I am aware of the allegations in the complaint in which the Plaintiff has alleged that an IP address associated with an internet account which was registered in my name was utilized to download and/or exchange via a siterip file sharing protocol one or more video works identified as being associated with the registrations attached to Exhibit B of Plaintiff's complaint.

2. Although I maintained an internet account for the time period referenced in the complaint with Charter Communications ("Charter"), I maintained a wireless internet router at my place of residence which would allow other individuals in geographic proximity to access my internet service without my knowledge or permission.

3. My wireless router was secured using a password method of encryption; however other individuals including family members, guests, and/or other visitors had access to the encryption password. At no time did I have any reason to believe that the persons who had access to my internet account were doing anything actionable or illegal with my internet account.

8

3. On September, 21, 2012, my counsel provided written notification to Plaintiff's and/or their representative of my non-involvement in the alleged acts of copyright infringement and notwithstanding my written notification of non-infringement, Plaintiff initiated the present action against me.

4. Although I am unable to offer an explanation as to how my internet account was identified with the alleged acts of infringement, other individuals have had access to my internet via my wireless internet system; however, I am unable to ascertain who if anyone may have used my internet account for the alleged acts of infringement.

5. I can affirmatively say that I have not downloaded or electronically shared any of the motion pictures or videos referenced in Plaintiff's complaint. In addition, I have investigated my computer system and do not believe that the siterip file program is on my computer nor are the motion pictures referenced in Plaintiff's complaint. Finally, I can affirmatively state that I have taken no action to destroy, alter, or delete any of the video works or siterip software program from my computer.

6. I declare under penalty of perjury under the laws of the State of Michigan that the foregoing is true and correct.



JEFFREY ROY

Subscribed and sworn to before me on this
2nd, day of November, 2012



Notary Public

My Commission Expires:

MICHAEL JAY MATTILA
Notary public, Marquette County, Michigan
My commission expires August 14, 2013
Acting in the County of _____